

Senate Amendments to NDAA for FY10 Affecting the National Guard

The House has passed its version of the NDAA. On 13 July, the Senate began floor consideration of the Senate version (S.1390.) Several amendments significantly impacting the Guard have been filed and are actively seeking co-sponsors. As of **22 July**, these are amendments being monitored.

PRYOR -Increasing ARNG NDS Techs. The President's Budget Request sought an increase from 1,600 to 2,190 in the number of Non-Dual-Status technicians to be authorized for the Army National Guard in FY 2010. The House of Representatives fully supported the administration's requested increase in its version of the NDAA. Sec. 414 of the Senate bill, however, provides no increase. Failure to provide the requested increase in civilian Non-dual Status Technicians will result in continued cases in which duties necessary to support deploying and returning forces are shortchanged because the duties were being performed by a military Dual-Status Technician who has deployed overseas with his/her unit of assignment. Senator Pryor offered an amendment on 20 July as **SA 1637** that would increase the ARNG non-dual status technicians for FY 2010 to 2,770 and increase the statutory cap accordingly.

KERRY - Earlier TriCare for Deploying Troops. Sec 706 of the House version of the NDAA includes a modification to 10 USC 1074 extending from 90 to 180 days the period before mobilization for which an RC member is eligible for healthcare. The language also provides for "an official notification" to be a trigger. This improved access to healthcare helps the National Guard improve readiness and decrease cross-leveling of personnel by providing sufficient time to actually fix health problems prior to a deployment. Senator Kerry has offered parallel language in amendment **SA 1622**.

DODD – Stop Loss Special Pay for RC Duty – Sec. 618 of the Senate bill authorized Stop Loss Special Pay for periods of active duty. This language would exclude pay RC members who are stop-lossed and required to perform drill, annual training or other RC duty either before actual mobilization or after the release from active duty such as reintegration activities. Senator Dodd offered **SA 1663** on 21 July to expand the Senate provision to cover these periods.

LINCOLN - Youth Challenge. Sec. 593 of the House-passed version of the NDAA would increase the DoD share of costs for the National Guard Youth Challenge program from 60% to 75%. No similar language is in the Senate bill. Senator Lincoln has offered Senate amendment **SA 1487** for a similar increase based on language in her S.645

VOINOVICH - State Partnership Program. Current authorities for State Partnership are murky but Senator Voinovich has introduced a bill (S.775) to clarify and strengthen authorities for this program. This would be very helpful legislation for the National Guard. Senator Voinovich has offered identical language in the form of Senate amendment **SA 1680**.

BROWN/RISCH - Officer Pay and Grade Credit after Eligibility for Retirement. Secs. 641 and 642 of the House version of the NDAA modify retirement pay and grade authorities for service performed after eligibility for retirement. The effect of this change will be to encourage experienced officers to continue to serve at higher levels without suffering a penalty in retirement credit for their promotions. Senators Brown and Risch have offered similar language in the form of Senate amendment **SA 1567**.

RISCH – Expand RC End Strength Waiver Authority. Currently, the Secretary of Defense has the ability to waive active *or reserve* component end strength by 3%, "Upon determination by the Secretary of Defense that such action is in the national interest." However, the Service Secretary (Secretary of Army, Secretary of Air Force, etc) can increase active component end strength by 2% simply to "enhance manning and readiness in essential units or in critical specialties or ratings." There is at present no similar authority for Service Secretaries to waive RC strength. Sen. Risch has filed an amendment, **SA 1543** to provide the Service Secretary with this option.

RISCH – Report on Status of Air National Guard and Air Force Reserve. Requires a report from the Secretary of Defense on the status of the Air National Guard and Air Force Reserve in coordination with the Secretary of the Air Force, Chief of the National Guard Bureau, the Director of the Air National Guard, and Chief of the Air Force Reserve. Sen. Risch has filed an amendment, **SA 1741** to provide this report.

LEAHY – State Control of Federal Military Forces Engaged in Activities Within the States and Possession.

Senator Leahy has offered amendment **SA 1745**. This provision provides governors with tactical control of armed forces engaged in activities within the states and possessions.

LEAHY – Enhancement of Authorities Relating to the United State Northern Command and Other Combatant Commands. Senator Leahy has offered amendment **SA 1747** to change the authorities of U.S. NORTHCOM and US PACOM .

LEAHY – State Requirements Relating to National Guard Officers in Certain Command Positions. Senator Leahy has offered amendment **SA 1748** that requires the Commanders of Army North Command and Air Force North Command be officers of the Army and Air National Guard respectively.

LEAHY – Reestablishment of Position of Vice Chief of the National Guard Bureau. Senator Leahy has offered amendment **SA 1749** that would establish a lieutenant general as Vice Chief of the National Guard Bureau.

SHAHEEN – Suicide Prevention in Yellow Ribbon. Section 596 of the House bill requires that suicide prevention programs be part of the Yellow Ribbon Program to be administered by the Office of Reintegration. Senator Shaheen has filed amendments **SA 1506** and **SA 1621** to achieve the same result.

Post-Deployment/Mobilization Respite Absence. Both the House and Senate bills authorize Service Secretaries to provide eligible RC members with up to 40 days of Post-Deployment/Mobilization Respite Absence leave from the period beginning January 17, 2007 until the implementation of the program. (House Sec. 663; Senate Sec. 604). At least one Senator is considering a floor amendment to increase the Senate provision to 60 days of leave but nothing has been filed yet.